IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.493 of 2007
SATYENDRA MISTRI
Versus
STATE OF BIHAR & ANR
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3. 8.9.2008. This Cr. Revision has been filed by the husband against the order dated 11.1.2007 passed by Principal Judge, Family Court, Bhagalpur in Misc. Case No. 11 of 2003 thereby the petitioner has been directed to pay maintenance to opposite party no. 2 to the extent of 60 % of the gross salary.

Heard learned counsel for the parties.

It is submitted on behalf of the petitioner that he was appointed on compassionate ground. He has to maintain his mother and one unmarried sister. It is further submitted that recently, he has been dismissed from service due to criminal case lodged by opposite party no. 2.

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On the other hand, learned counsel for opposite party submitted that earlier in the compromise petition it was agreed upon that the petitioner would transfer half of the properties, both movable and immovable, in favour of opposite party no. 2, but the same has not yet been transferred.

Considered the submission of learned counsel for the parties and perused the impugned order.

On perusal of the impugned order, it appears that no specific amount has been disclosed by the lower court. A vague order has been passed with regard to maintenance. Court below ought to have granted specific amount as maintenance.

Under the facts and circumstances as well as the fact that the petitioner has to maintain other family members also, the maintenance of Rs.1000/- per month from the date of filing of the application to the opposite party no. 2 and Rs.500/- per month to minor son of opposite party no. 2 is sufficient to meet the ends of justice. The minor son shall be entitled to receive maintenance only up to age of 18 years.

With the above modification, this application is dismissed. The petitioner is directed to pay maintenance of Rs. 1000/- per month to opposite party no. 2 from the date of the application and Rs.500/- per month to her minor son. The arrear amount must be paid within three months of this order and current and future maintenance by 15th day of next following month, failing which the opposite party no. 2 shall take legal step for realization.

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kanchan **(Ghanshyam Prasad, J.)**

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